

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application No: 10/604,304
Filing Date: July 9, 2003
Applicant(s) Bruce Preston Williams
Group Art Unit: 3618
Confirmation No: 1303
Examiner: Hau Van Phan
Title: DEPLOYABLE STEP FOR MOTOR VEHICLES
Attorney Docket No: 81075389 (36190-149)
Customer No: 28549

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 6, 2007

APPELLANT'S REPLY BRIEF

Remarks

Appellant respectfully submits that the outcome of the present Appeal will depend, to a great extent, upon the teachings of the Blake reference (U.S. Patent 6,874,806). The Examiner continues to maintain that Blake teaches the use of a hitch cover having a "window," and in support of his contention he cites Blake at Figure 5B and Figure 6.

Appellant agrees that Blake discloses a hitch cover, but it is a hitch cover which could *never* be used as a step, and it is a hitch cover which, if converted to include a window allowing passage of a receiver hitch through the cover, could not continue to function as a hitch cover.

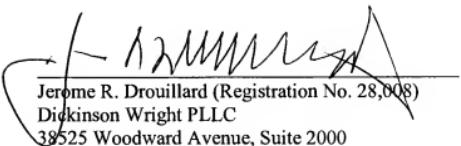
Blake's Figure 5B shows a hinge portion, 156, having a non-structural portion 188 attached thereto. In Column 7, at Lines 34-38, Blake states :

"It should be appreciated that fascia plate 188 is purely aesthetic and the structural strength of the cover assembly 186 properly lies with the cover plate 156."

In other words, Blake discloses a strong hinge element, 156, having a relatively weak cover portion 188 attached thereto. It appears that the Examiner asserts that Blake discloses a "window" because Blake has this reinforced hinge, 156, which has an outline conveniently aligned with a hitch receiver. However, Appellant respectfully submits that there is no window in Blake's cover. And, if one were to cut out Blake's structure 156, the remaining portion, 188 would separate and fall to the ground because there would be nothing left to support portion 188.

In his answer, the Examiner includes a sketch of a solid cover having a proposed "window" drawn in. However, the Examiner cannot point to a single shred of evidence anywhere within Blake which indicates that there is any window or aperture formed in any hitch cover. As a result, Appellant respectfully submits that the Examiner's decision should be reversed.

Respectfully submitted,


Jerome R. Drouillard (Registration No. 28,008)
Dickinson Wright PLLC
39525 Woodward Avenue, Suite 2000
Bloomfield Hills, MI 48304-2970
734-623-1698

Date: 7/6/07

Certificate of Mailing Under 37 C.F.R. 1.10

I hereby certify that this correspondence is being deposited via electronic submission on the USPTO website.

Commissioner for Patents
PO BOX 1450
Alexandria, Virginia 22313-1450

on 07-09-07


Kelly R. Makin